

REMARKS

Claims 1-17 are pending in the application with claims 1, 14 and 15 being independent. Claims 1 and 2 have been amended. Claims 11-17 are newly added for consideration. Applicants submit new claims 11-17 are directed to further aspects of the invention not disclosed or suggested in the art of record. No new matter as been added. Reconsideration of the application is respectfully requested in view of the following remarks.

***Acknowledgement of Foreign Priority
And Receipt of Certified Documents***

Applicants request the Examiner's acknowledgement of Applicants' claim for foreign priority under 35 U.S.C. §119 and the receipt of the certified copy of the priority document that was filed July 7, 2004. The claim for priority expressly appears on the Image File Wrapper (IFW) and the priority document appears to be the listed artifact in the IFW.

35 U.S.C. §103(a) Rejections

Claims 1-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,124,700 to Nagai, *et al.* ("Nagai") in view of U.S. Patent No. 3,599,700 to Davis, *et al.* ("Davis"). Applicants respectfully traverse this rejection.

Referring the Examiner now to MPEP § 2143, titled "**Basic Requirements for a *Prima Facie* case of Obviousness**", the MPEP mandates that:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claimed limitations. (Emphasis added)

Applicants submit that the Nagai and Davis references do not disclose all the limitations of the claimed invention as amended, either singly or in combination. Hence there has been no *prima facie* case of obviousness demonstrated.

Claim 1 recites, in part:

a battery voltage detecting circuit that detects a voltage across the battery before charging the battery...

and,

a control device that selects one of the predetermined number of voltages depending upon the detected voltage across the battery before the charging of the battery and then controls the switch to turn ON so that a rush current does not flow in the battery at the start of charging. (Emphasis added)

However, Nagai fails to disclose or suggest such a feature. As discussed at col. 25, lines 59-64 of Nagai, when the battery's presence is detected, the movable contact 14m is connected to the fixed contact 14a and hence 4.2 V is selected. That is, 4.2 V is selected depending upon whether or not the "battery is present," and the selection of the voltage is not dependent upon the detected voltage across the battery.

Moreover, in the claimed invention, after the voltage to be applied to the battery is selected, the switch is turned ON, so that a rush current is prevented from flowing in the battery at the start of charging. The Examiner alleges that Davis discloses in Figure 1 the control device (24) for controlling the switch so that a rush current does not flow in the battery. However, as disclosed at col. 5, lines 35-36, Davis contemplates preventing the flow of dangerous in-rush current during the charging operation. Davis is not intended to prevent, nor capable of preventing, the in-rush current which may flow at the start of charging the battery.

Therefore, since neither Nagai nor Davis (nor any other reference of record) discloses all the features of claim 1, either singly or in combination, Applicants submit independent claim 1 and those claims depending therefrom are now allowable. Applicants submit that no proper combination of Nagai and Davis renders unpatentable the instant invention.

The rejection of claims 1-10 should now be withdrawn.

Newly Added Claims

Support for newly added claims 11-17 may be found at least at paragraphs [0031] through [0038] and also Figs. 2A and 2B.

Also, specifically in regard to independent claim 15, neither Nagai nor Davis, whether singly or in combination, discloses the three steps recited by claim 15. As disclosed at col. 26, lines 29-59 of Nagai, V1 (= 4.2 V) is initially applied to the battery (S103), thereafter V2 (= 4.0 V) is applied thereto (S107), and again V1 is applied thereto (S110). Changing over the voltage from V1 to V2, or vice versa, relies on the charge current, but not on the detected battery voltage.

With the first, second and third steps as recited by claim 15, low power consumption during standby condition is ensured and rush current to the battery at the start of charging can be suppressed. Such advantages cannot be attained by Nagai and Davis.

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CONCLUSION

In view of the foregoing remarks, Applicants submit that all of the pending rejections has been properly addressed or rendered moot. The Examiner is respectfully requested to promptly pass the above application to allowance issue.

The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles J. Gross". The signature is fluid and cursive, with the first name "Charles" being more prominent.

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